

Michigan Department of Civil Service

REGULATION

Appointing Authority Letter Reference: CS-6940	Effective Date: March 18, 2001	Index Reference: Employee, Position Review, Effective Date, Reclassification	Regulation Number: 4.09
Issuing Bureau: Human Resource Services	Rule Reference: Rules 1-3 (Regulations) 4-1 (Position Establishment and Classification) 4-2 (Position Classification Review) 4-5 (Working Out of Class)		Replaces: Reg. 4.09 (CS-6897, April 25, 1999)
Subject: EMPLOYEE GENERATED POSITION REVIEWS			

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1. **PURPOSE**

This regulation establishes the standards and procedures that an employee can use to request a position review from the Department of Civil Service.

2. **CIVIL SERVICE COMMISSION RULE REFERENCE**

***Rule 1-3 Regulations** — The state personnel director is authorized to issue regulations that the director deems to be necessary or useful. A regulation issued by the state personnel director shall be binding on the department of civil service, unless the commission finds that the regulation violates a rule. The state personnel director shall make all regulations available to employees through their personnel offices and the internet.*

Rule 4-1 Position Establishment and Classification

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4-1.2 Classification — *A position established in the classified service must be reviewed to classify the position properly.*

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Rule 4-2 Position Classification Review

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- (a) **Position review.** — *An appointing authority shall give notice to the department of civil service of material changes in the duties and responsibilities that may impact the proper classification of a position. If the appointing authority does not notify the department of civil service of material changes, the employee occupying the position may initiate a position review by filing an updated position description and a written request with the department of civil service.*

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- (c) **Effective date of change.** — *A change in the classification of a position based on a review under this rule is on a current basis, except as otherwise approved by the state personnel director.*

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Rule 4-5 Working out of Class — *In accordance with civil service rules and regulations, an appointing authority may temporarily assign an employee to perform duties and responsibilities of another classification appropriately classified by the department of civil service. Benefits accrue to an employee in a temporary assignment in accordance with such classification.*

- (a) **Exception.** *Provisions of this rule do not apply to the following employees:*

- (1) *An employee working in a preauthorized position.*
- (2) *An employee in a position downgraded for training.*
- (3) *An employee occupying a position that is reclassifiable.*
- (4) *An overall assistant who normally substitutes for the employee's supervisor.*

- (b) **Filing claims.** *A claim for working out of class must be presented no later than 20 workdays after the working-out-of-class assignment has been discontinued. Retroactivity of any claim is governed by the time limits set forth in these rules and applicable regulations.*

3. **STANDARDS**

- A. If the appointing authority does not notify the Department of Civil Service of material changes, the employee occupying a position may initiate a position review by filing an updated position description and a written request with the Department of Civil Service.
- B. A group of employees, in the same classification and performing similar duties and responsibilities, may submit a composite position description for a position review. All employees must sign and date the composite position description (or an attached sheet) and include their position codes and employee ID numbers. No electronic filings are accepted for group requests.
- C. The Department of Civil Service determines if the position is eligible for a review in accordance with regulation 4.05, Frequency of Review of Positions. If the position is not eligible for a review, the Department of Civil Service notifies the employee and the appointing authority. Requests to review a position to determine if a working out of class assignment exists can be submitted at any time in accordance with regulation 4.08.
- D. The effective date of the reclassification may be retroactive as provided under regulation 4.04 if the classification plan and the duties and responsibilities of the position are the same on both the date received and the retroactive date.
- E. The effective date assigned to the classification action is the beginning date of the pay period that the employee's request and signed position description is received by the Department of Civil Service. Requests for retroactive effective dates are reviewed in accordance with regulation 4.04, Effective Dates for Classification Actions.
- F. The Department of Civil Service sends a letter to the appointing authority, along with a copy of the employee's request and position description for review. A copy of the letter to the appointing authority is sent to the employee as the official notice to the employee that the Department of Civil Service has received the request.

- G.** The appointing authority is allowed 20 workdays to complete items 22-29 of the position description after receipt from the Department of Civil Service. The appointing authority is allowed an additional 10 workdays for professional managerial and specialist positions that require evaluation system rating reviews. The Department of Civil Service may authorize extensions for good cause.
- H.** The appointing authority shall submit a Position Action Request form (CS-129), stating whether the employee meets the minimum requirements for the requested classification and whether the incumbent is performing the duties and responsibilities of that classification satisfactorily.
- I.** The appointing authority may submit any other necessary information for the Department of Civil Service to make a classification decision.
- J.** The Department of Civil Service may conduct an on-site position review to gather additional information.
- K.** If the requested necessary information is not received from the appointing authority within the above specified time frame, the Department of Civil Service may review the position based on the information provided by the employee and from information obtained at the on-site position review.

4. PROCEDURE

<u>Responsibility</u>	<u>Action</u>
Employee	1. Completes items 1-21 of the Position Description form and submits it to the Department of Civil Service.
Department of Civil Service	2. Upon receipt of the employee's request for position review, reviews the request for completion in accordance with civil service regulations and classification guidelines. 3. Sends the employee's completed Position Description form and a written notice to the appointing authority that the employee has requested a position review. A copy of the written notice is sent to the employee.

<u>Responsibility (cont.)</u>	<u>Action (cont.)</u>
Appointing Authority	<ol style="list-style-type: none"> 4. Directs the employee's immediate supervisor to complete items 22-27 of the Position Description form. 5. Completes items 28 and 29 of the Position Description form and provides any other information that is necessary to review the position and render a proper classification decision. 6. Submits the completed Position Description form, appropriate rating system worksheet, and a Position Action Request form (CS-129) to the Department of Civil Service.
Department of Civil Service	<ol style="list-style-type: none"> 7. If the necessary information is not received from the appointing authority within the specified time frame, reviews the position based on the information provided by the employee and from information obtained at the on-site position review. 8. Reviews the request and documents decision. Assigns an effective date. 9. Enters the necessary position information in the Human Resources Management Network (HRMN) if action is approved. 10. Simultaneously, releases the Position Action Request form (CS-129) to the affected employee and appointing authority. If classification action is disapproved informs employee of the appeal rights.

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Appointing Authority

11. Receives the Position Action Request form. Enters employee information in the HRMN and informs agency management of the classification decision.

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CONTACT

Questions regarding this regulation should be directed to the Department of Civil Service, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909, (517) 373-3048 or 1-800-788-1766, or MDCS-BHRS@state.mi.us.

NOTE: Regulations are issued by the State Personnel Director under authority granted in the State of Michigan *Constitution* and the *Michigan Civil Service Commission Rules*. Regulations that implement Commission Rules are subordinate to those Rules.